IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8871 of 2007(F)

PETITIONER:

NIZAMUDHEEN MUSALIAR,
BISMILLAH, MYTHRI NAGAR NO.I,
THATTAMALA P.O., KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS:

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1. THE CORPORATION OF KOLLAM,
   REPRESENTED BY ITS SECRETARY,
   KOLLAM.

2. THE SECRETARY,
   CORPORATION OF KOLLAM, KOLLAM.

3. NAZEERA BEEVI, MUSALIAR MANZIL,
   UDAYAMARTHANDAPURAM, MUNDACKAL,
   KOLLAM.

R1 & R2 BY ADV. SRI.M.K. CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 8871 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Standing Counsel, Sri.M.K.Chandramohan Das takes notice on behalf of the Kollam Corporation. He submits that the 3rd respondent whose construction is now sought to be prohibited is none other than the direct sister of the petitioner and that the petitioner is only trying to settle a family score through the present writ petition. The above submission of Standing Counsel may be right; but the allegation is that even though as a co-owner, the 3rd respondent may be entitled to carry out constructions in the property, without obtaining permit from the local authority, she is now going ahead with the construction and that the Municipality is not taking any action.

I do not propose to decide the case on its merits. Since Ext.P3 has been submitted before the Corporation, it is only appropriate that the Corporation takes up Ext.P3 immediately gives notice to the 3rd respondent, hear the petitioner and the 3rd respondent and take a decision at the earliest. Decision as directed above will be taken by the Corporation within two weeks of receiving a copy of this judgment. Construction, if any, conducted by the 3rd respondent already will be at

the 3rd respondent's risk and subject to the decision to be taken by the Municipality on the complaint of the petitioner.

PIUS C. KURIAKOSE, JUDGE

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